

## **RESPONSE TO OFFICE ACTION**

### **A. Status of the Claims**

Claims 1, 2, and 4-10 are currently pending and under consideration in the case and are presented herein for reconsideration.

### **B. Rejection Under 35 U.S.C. §103**

The Action maintains the rejection under 35 U.S.C. § 103(a) over Rhodes (U.S. Patent No. 5,710,368) in view of Russell *et al.* (EPO 0430511A1) in view of Botterman *et al.* (*Herbic. Resist. Weeds Crops* 1991). Applicants traverse and request reconsideration of the arguments and evidence submitted with Applicants' Response filed July 19, 2007, which are incorporated herein by reference in their entirety.

Applicants respectfully submit that nonobviousness has been fully established on the record by substantial evidence and that no evidence has been presented for doubting this showing. Removal of the rejection under 35 U.S.C. § 103 is thus respectfully requested.

**C. Conclusion**

The examiner is invited to contact the undersigned with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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